

## CHAPTER 10B

## AGRICULTURAL LANDHOLDING REPORTING

Referred to in §10.1, 10D.2, 22.7

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**10B.1 Definitions.**

As used in this chapter, unless the context otherwise requires:

1. “*Agricultural land*” means the same as defined in section 9H.1.
2. “*Cooperative association*” means any entity organized on a cooperative basis, including an association of persons organized under chapter 497, 498, or 499; an entity composed of entities organized under those chapters; or a cooperative organized under chapter 501 or 501A.
3. “*Corporation*” means a domestic or foreign corporation, including an entity organized pursuant to chapter 490, or a nonprofit corporation.
4. “*Farming*” means the same as defined in section 9H.1.
5. “*Foreign business*” means the same as defined in section 9I.1.
6. “*Foreign government*” means the same as defined in section 9I.1.
7. “*Limited liability company*” means a foreign or domestic limited liability company, including a limited liability company as defined in section 489.102.
8. “*Limited partnership*” means a foreign or domestic limited partnership, including a limited partnership as defined in section 488.102, and a domestic or foreign limited liability limited partnership under chapter 488.
9. “*Nonprofit corporation*” means any of the following:
  - a. A corporation organized under the provisions of chapter 504, Code 1989, or current chapter 504.
  - b. A corporation which qualifies under 26 U.S.C. § 501.
10. “*Nonresident alien*” means the same as defined in section 9I.1.
11. “*Reporting entity*” means any of the following:
  - a. A corporation, other than a family farm corporation as defined in section 9H.1, including an authorized farm corporation as defined in section 9H.1 or networking farmers corporation as defined in section 10.1, holding an interest in agricultural land in this state.
  - b. A cooperative association holding an interest in agricultural land in this state.
  - c. A limited partnership, other than a family farm limited partnership as defined in section 9H.1, holding an interest in agricultural land in this state.
  - d. A person acting in a fiduciary capacity or as a trustee on behalf of a person, including a corporation, cooperative association, limited liability company, or limited partnership, which holds in a trust, other than through a family trust as defined in section 9H.1, including through an authorized trust, an interest in agricultural land in this state.
  - e. A limited liability company, other than a family farm limited liability company as defined in section 9H.1, including an authorized limited liability company as defined in section 9H.1, or a networking farmers limited liability company or farmers cooperative limited liability company as defined in section 10.1, holding an interest in agricultural land in this state.
  - f. A foreign business holding an interest in agricultural land in this state as provided in chapter 9I.
  - g. A foreign government holding an interest in agricultural land in this state as provided in chapter 9I.

h. A nonresident alien holding an interest in agricultural land in this state as provided in chapter 9L.

98 Acts, ch 1110, §201, 301; 2000 Acts, ch 1024, §2; 2002 Acts, ch 1050, §2; 2003 Acts, ch 108, §6; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §352, 353, 394, 400; 2005 Acts, ch 135, §101; 2008 Acts, ch 1162, §128, 154, 155; 2010 Acts, ch 1061, §3

**10B.2 Interests described.**

A reporting entity holds an interest in agricultural land if the reporting entity directly or indirectly owns or leases agricultural land in this state.

98 Acts, ch 1110, §202, 301

**10B.3 Persons required to file reports.**

The reports required under section 10B.4 shall be signed and filed by the following individuals required to submit reports pursuant to that section for their respective reporting entities:

1. A person serving as the president or other officer or authorized representative of a corporation.
  2. A person serving as the president or other officer or authorized representative of a cooperative association.
  3. A person acting as the general partner of a limited partnership.
  4. A person acting in a fiduciary capacity or as a trustee on behalf of a person.
  5. A person who is a member, manager, or authorized representative of a limited liability company.
  6. A person serving as the president or other officer or authorized representative of a foreign business.
  7. A person authorized to make the report by a foreign government.
  8. A nonresident alien or an agent, trustee, or fiduciary of the nonresident alien.
- 98 Acts, ch 1110, §203, 301

**10B.4 Reporting requirements.**

1. A biennial report shall be filed by a reporting entity with the secretary of state on or before March 31 of each odd-numbered year as required by rules adopted by the secretary of state pursuant to chapter 17A. However, a reporting entity required to file a biennial report pursuant to chapter 489, 490, 496C, 497, 498, 499, 501, 501A, or 504 shall file the report required by this section in the same year as required by that chapter. The reporting entity may file the report required by this section together with the biennial report required to be filed by one of the other chapters referred to in this subsection. The reports shall be filed on forms prepared and supplied by the secretary of state. The secretary of state may provide for combining its reporting forms with other biennial reporting forms required to be used by the reporting entities.

2. A report required pursuant to this section shall contain information for the reporting period regarding the reporting entity as required by the secretary of state which shall at least include all of the following:

- a. The name and address of the reporting entity.
- b. The name and address of the person supervising the daily operations on the agricultural land in which the reporting entity holds an interest.
- c. The following information regarding each person who holds an interest in the reporting entity:
  - (1) The name and address of the person.
  - (2) The person's citizenship, if other than the United States.
  - (3) The percentage interest held by the person in the reporting entity, unless the person is a natural person who holds less than a ten percent interest in a reporting entity.
- d. The percentage interest that a reporting entity holds in another reporting entity, and the number of acres of agricultural land that is attributable to the reporting entity which holds an interest in another reporting entity as provided in chapter 10.

e. A certification that the reporting entity meets all of the requirements to lawfully hold agricultural land in this state.

f. The number of acres of agricultural land held by the reporting entity, including the following:

- (1) The total number of acres in the state.
- (2) The number of acres in each county identified by county name.
- (3) The number of acres owned.
- (4) The number of acres leased.
- (5) The number of acres held other than by ownership or lease.
- (6) The number of acres used for the production of row crops.

g. If the reporting entity is a life science enterprise, as provided in chapter 10C, Code 2011,\* as that chapter exists on or before June 30, 2005, the total amount of commercial sale of life science products and products other than life science products which are produced from the agricultural land held by the life science enterprise.

3. A reporting entity other than a foreign business, foreign government, or nonresident alien shall be excused from filing a report with the secretary of state during any reporting period in which the reporting entity holds an interest in less than twenty acres of agricultural land in this state and the gross revenue produced from all farming on the land equals less than ten thousand dollars.

98 Acts, ch 1110, §204, 301; 2000 Acts, ch 1197, §1, 10; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1147, §1 – 3; 2005 Acts, ch 3, §2; 2005 Acts, ch 16, §1, 7; 2005 Acts, ch 135, §102; 2005 Acts, ch 179, §135; 2008 Acts, ch 1162, §129, 154, 155; 2012 Acts, ch 1023, §3

Referred to in §10B.3, 10B.6

[P] \* The last provision in former chapter 10C, former section 10C.6, which applied to existing life sciences enterprises on and after July 1, 2004, and required reporting to the secretary of state, was repealed by 2011 Acts, ch 118, §35, 89

[T] Subsection 2, paragraph g amended

#### **10B.4A Suspension of other filing requirements.**

The secretary of state shall not prepare or distribute forms for reports or file reports otherwise required pursuant to section 9I.8 or 501.103. A person required to file a report pursuant to this chapter is not required to file a report under those sections. A person required to file a report pursuant to this chapter is not required to register with the secretary of state as otherwise required in section 9I.7.

2000 Acts, ch 1022, §2; 2002 Acts, ch 1028, §2, 6; 2003 Acts, ch 44, §5; 2003 Acts, ch 115, §14, 19

#### **10B.5 Use of reports.**

1. The secretary of state shall notify the attorney general when the secretary of state has reason to believe a violation of this chapter has occurred.

2. Information provided in reports required in this chapter is a confidential record as provided in section 22.7. The attorney general may have access to the reports, and may use information in the reports in any action to enforce state law, including but not limited to chapters 9H and 9I. The reports shall be made available to members of the general assembly and appropriate committees of the general assembly in order to determine the extent that agricultural land is held in this state by corporations and other business and foreign entities and the effect of such land ownership upon the economy of this state. The secretary of state shall assist any committee of the general assembly studying these issues.

98 Acts, ch 1110, §205, 301; 2004 Acts, ch 1147, §4; 2011 Acts, ch 118, §22, 89

#### **10B.6 Penalties.**

1. The failure to timely file a report or the filing of false information in a report as provided in section 10B.4 is punishable by a civil penalty not to exceed one thousand dollars.

2. The secretary of state shall notify a reporting entity which the secretary of state has reason to believe is required to file a report and who has not filed a timely report, that the person may be in violation of section 10B.4. The secretary of state shall include in the notice a statement of the penalty which may be assessed if the required report is not filed within thirty days. The secretary of state shall refer to the attorney general any reporting entity which the

secretary of state has reason to believe is required to report if, after thirty days from receipt of the notice, the reporting entity has not filed the required report. The attorney general may, upon referral from the secretary of state, file an action in district court to seek the assessment of a civil penalty of one hundred dollars for each day the report is not filed.

98 Acts, ch 1110, §206, 301

**10B.7 Lessees conducting research or experiments — reports.**

Lessees of agricultural land under section 9H.4, subsection 1, paragraph “b”, subparagraph (3), for research or experimental purposes, shall file a biennial report with the secretary of state on or before March 31 of each odd-numbered year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. However, a lessee required to file a biennial report pursuant to chapter 489, 490, 496C, 497, 498, 499, 501, 501A, or 504 shall file the report required by this section in the same year as required by that chapter. The lessee may file the report required by this section together with the biennial report required to be filed by one of the other chapters referred to in this paragraph. The report shall contain the following information for the reporting period:

1. The name and principal place of business of the lessee.
2. The location of the agricultural land used for research or experimental purposes.
3. The date that the lease became effective.
4. The name and address of each person purchasing breeding stock produced on the agricultural land.
5. The number or volume of breeding stock purchased by each person purchasing breeding stock produced on the agricultural land.

89 Acts, ch 311, §24

CS89, §172C.6

C93, §9H.6

2003 Acts, ch 115, §16, 19

CS2003, §10B.7

2004 Acts, ch 1049, §191; 2004 Acts, ch 1147, §5; 2005 Acts, ch 3, §3; 2007 Acts, ch 126, §3; 2008 Acts, ch 1032, §192; 2008 Acts, ch 1162, §130, 154, 155